



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,935	07/09/2001	William C. Stumphauzer II	099908.00020	7475

31013 7590 08/21/2006

KRAMER LEVIN NAFTALIS & FRANKEL LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
1177 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

EXAMINER

TRINH, TAN H

ART UNIT PAPER NUMBER

2618

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/900,935	STUMPHAUSER, WILLIAM C.	
	Examiner	Art Unit	
	TAN TRINH	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 06-20-2006, the information disclosure statement is being considered by the examiner.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06-20-2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-14, and 18-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stetzler (U.S. Patent No. 20020055343) in view of Wegener (6567660).

Regarding claims 1, 14 and 22, Stetzler teaches an article of manufacture (see figs. 1, antenna 11 and storage unit 17, and figs. 5A-C), comprising: a computer usable medium having a computer readable program code embodied (see fig. 1-2, and Programmable processor 15)

Art Unit: 2684

therein, the computer readable program code including computer readable program code for receiving data relating to at least one of a plurality of broadcast channels (see figs. 3-4, page 1-2, section [0010]), the data relating to the at least one of the plurality of broadcast channels (see the information concerning (data relating) all of the stations (plurality of broadcast channels) on page 1-2, section [0010]), including a content identification signal for the broadcast channel (see fig. 4, page 3-4, section [0026-0028]); and computer readable program code for processing the data and generating an output for automatically tuning a receiver to a specific broadcast channel if the content identification signal for one of the plurality of broadcast channels matches a selection in a play list including a prioritized list of user selections (see fig. 6C, and the automatically tuning for stations (broadcast channels) or the program material identified by preselected by the user on page 1, section [0004] and see on, and page 1-2, section [0010] receiver can automatically accommodate the preferences of the user program unit (song (play list)) without the user's intervention on page 2, section [0010]), page 4, section [0028] on the program guide and information can prioritized, and also see page 9, lines 13-19). But Stetzler does not mention a content identification signal for more than one of the plurality of broadcast channels.

However, Wegener teaches a content identification signal for more than one of the plurality of broadcast channels (see fig. 6A, compare with capture list on step 310, and tune to channels on step 314, and see A list of program identifiers is store in mobile unit, and the program content that is broadcast on the content broadcast channels (for more than one channel) on col. 3, lines 10-14, and lines 34-67, col. 4, lines 25-67, see tables I-V, col. 5-8, and col. 8, line 22, and fig. 5, lines 16-33 and col. 9, lines 58-67). Since the channels 01 and 03 are carrying

program content, so that a content identification signal for more than one of the plurality of broadcast channels (see col. 8, line 22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Stetzler with Wegener, in order to provide user with broadcast a content identification signal on plurality of broadcast channels (Wegener col. 4, lines 26-44).

Regarding claims 2 and 29, Stetzler teaches wherein the receiver is located in a vehicle (see fig. 5A-C vehicle 55, page 3, section [0027]).

Regarding claim 3, Stetzler teaches wherein the vehicle is an automobile (see fig. 5A-C automobile 55).

Regarding claim 5, Stetzler teaches wherein the plurality of broadcast channels is transmitted by at least one terrestrial transmitter (see fig. 5A-C vehicle 55, page 3, section [0027]).

Regarding claims 6 and 25, Stetzler teaches wherein the playlist is created by a user accessing a website (see page 6, section [0045] since user search on internet for preselected program, songs and new items and stored, that is created a playlist by a user).

Regarding claims 7 and 23, Stetzler teaches wherein the playlist is transferred from the website onto a portable storage medium and transferring the playlist into the memory from a portable storage medium (see fig. 2, storage unit 17, and fig. 6C, promotion material 614 and buy 615, and page 4, section [0028] and page 6, section [0045] since user search on internet for preselected program, and buy... songs and new items and stored, that is created a playlist by a user and stored in storage unit 17).

Regarding claim 8, Stetzler teaches wherein the portable storage medium includes one of a PCMCIA card, smart card, flash card, memory stick, compact disk, or floppy disk (see page 2, section [0021] flash memory unit).

Regarding claim 9, Wegener teaches wherein the data including the content identification signal is transmitted in at least one service channel containing the content identification signal for more than one of the plurality of broadcast channels (see col. 4, lines 26-44).

Regarding claim 10, Wegener teaches wherein the receiver the scans (search) the at least one service channel as a function of the playlist (see col. 4, lines 26-46).

Regarding claim 11, Stetzler teaches wherein the user selections of the playlist have at least one associated parameter used to determine the broadcast channel selected by the receiver (see page 4, sections [0028-0029]).

Regarding claims 12 and 27, Wegener teaches wherein the at least one associated parameter includes a rank (see broadcast program order, the priority on col. 7, lines 63-67).

Regarding claims 13 and 28, Wegener inherently teaches wherein the at least one associated parameter includes an interrupt permission (see col. 6, lines 23-31, since specific broadcast short notice changes or emergency bulletin broadcasts interruption, that is the interrupt permission).

Regarding claim 18, Stetzler teaches wherein the content identification signal comprises a plurality of fields (see fig. 4, page 3-4, sections [0026-0028]).

Regarding claim 19, Stetzler teaches wherein the plurality of fields comprise text fields including descriptions of content being played on each of the broadcast channels (see page 4, section [0028]).

Regarding claim 20, Stetzler teaches wherein the plurality of fields includes a description of a music selection (see page 4, section [0028] music program like: country and classical music).

Regarding claims 21 and 26, Stetzler teaches wherein the plurality of fields includes a description of a talk program and one parameter associated with each prioritized selection (see new and talk show programming on page 4, section [0028]).

Regarding claim 24, Stetzler teaches further comprising transferring the playlist into the memory using a wireless transmission method (see fig. 1, storage 17, page 2, section [0021]).

Regarding claim 30, Wegener teaches wherein processing the data and generating the output includes identifying the content for the one of the plurality of broadcast channels (see col. 4, lines 26-46).

Regarding claim 31, Wegener teaches wherein processing the data and generating the output includes the content for the one of the plurality of broadcast channels (see col. 4, lines 51-65).

Regarding claim 32, Wegener teaches wherein the content identification signal for more than one of the plurality of broadcast channels includes the content identification signal for each of the plurality of broadcast channels (see col. 3, lines 60-col. 4, lines 60, and col. 7, lines 60-col. 8, lines 25).

5. Claims 4, 15-17 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stetzler (U.S. Patent No. 20020055343) in view of Wegener (6567660) further in view of Noreen (U.S. Pub. No. 20020183059).



Regarding claim 4, Stetzler teaches wherein the plurality of broadcast channels are transmitted by broadcast stations (see fig. 5A-C). But Stetzler does not mention the plurality of broadcast channels are transmitted by at least one satellite.

However, Noreen teaches the plurality of broadcast channels are transmitted by at least one satellite (see fig. 1, satellite 106).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above combination of the teaching of Stetzler and Wegener with Noreen, in order to provide user with broadcast channels are transmitted by satellite.

Regarding claim 15, Stetzler teaches wherein the plurality of broadcast channels is transmitted from a terrestrial transmitter (see figs. 5A-C). But Stetzler does not mention the plurality of broadcast channels from a satellite.

However, Noreen teaches the plurality of broadcast channels from a satellite.  
(see fig. 1, satellite 106).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above combination of the teaching of Stetzler and Wegener with Noreen, in order to provide user with broadcast channels are transmitted by satellite.

Regarding claim 16, Stetzler teaches plurality of broadcast channels (stations) (see fig. 5A-C and fig. 6A-C). But Stetzler does not mention the plurality of broadcast channels are transmitted in a plurality of clusters.

However, Noreen teaches wherein the plurality of broadcast channels are transmitted in a plurality of clusters (see fig. 10, page 8, section [0062]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above combination of the teaching of Stetzler and Wegener with Noreen, in order to provide user with broadcast channels are transmitted in plurality of clusters.

Regarding claim 17, Noreen teaches wherein each of the plurality of clusters includes a content identification signal for each of the plurality of clusters (see fig. 10, page 8, section [0062]).

Regarding claim 33, Wegener teaches wherein the content identification signal for more than one of the plurality of broadcast channels includes the content identification signal for a broadcast channels (see col. 4, lines 26-65, and col. 5, lines 8-col. 6, lines 12). But Stetzler or Wegener does not mention the plurality of broadcast channels includes the cluster of broadcast channels.

However, Noreen teaches wherein each of the plurality of clusters includes a content identification signal for each of the plurality of clusters (see fig. 10, page 8, section [0062]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above combination of the teaching of Stetzler and Wegener with Noreen, in order to provide user with broadcast channels are transmitted in plurality of clusters.

### ***Response to Arguments***

Art Unit: 2684

6. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Art Unit: 2684

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh   
Division 2618  
August 16, 2006

Anderson, Matthew D. (SPE 2618)

